



**STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
OFFICE OF CONSERVATION AND COASTAL LANDS**

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KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

Non-Conforming Shoreline Structures

Hawaii Revised Statutes 13-222-19

Encroachment upon state land and unauthorized shoreline improvements.

The chairperson shall not certify the shoreline in cases where an unauthorized improvement encroaches upon state land or where an unauthorized improvement interferes with the natural shoreline processes. The property owner shall first resolve the encroachment or violation problem with the applicable department prior to the chairperson certifying the shoreline. [Eff 12/10/88]

Persons seeking to establish non-conforming status for structures in coastal areas should provide the following supporting evidence to OCCL. Optimally, non-conforming status of a structure should be determined by a letter from the local County Planning department that confirms the status according to the applicable County Shoreline Rules. When such written confirmation is unavailable, as many of the following documentation as possible should be obtained and submitted for use as evidence for that determination. All documents should state or include information that can support the non-conforming status, as applicable and appropriate. A structure may be deemed non-conforming to state rules if it existed in the same form and location, on or prior to October 1964. With the exception of minor repairs and maintenance, the structure must not have been altered or improved in any manner from its pre-October 1964 condition.

Documentation (in order of preference)

- Stamped and signed letter from a licensed structural or civil engineer certifying the structure is in the original form and dimension as prior to October 1964
- Dated and stamped aerial photo showing the existence of the structure before October 1964¹
- Datable ground photo showing the existence of the structure before October 1964
- Legal affidavit from an individual with personal knowledge about the structure who can attest to the information confirming the non-conforming status of the structure
- Other form of datable evidence that can verify the structure's non-conforming status²

This documentation is necessary for the OCCL to make a determination on the structure. Presentation of these documents does not ensure a finding of non-conformity for the structure. If you have any questions, please call OCCL at 587-0377.

¹ R.M. Towill Corporation in Honolulu, Air Survey Hawaii in Honolulu, and the University of Hawaii Coastal Geology Group's web site <http://www.soest.hawaii.edu/coasts/data/index.html> (as an index for some of the available images)

² Army Corps of Engineers, Department of Transportation, original contract data for construction, etc.